



Hastings District Council

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OPEN

A G E N D A

HDC–TANGATA WHENUA WASTEWATER JOINT COMMITTEE MEETING

Meeting Date: **Friday, 9 March 2012**

Time: **1.00pm**

Venue: **Council Chamber
Ground Floor
Civic Administration Building
Lyndon Road East
Hastings**

Committee Members	Chair: Mr T Tareha Mayor Yule Councillors Bradshaw, Heaps, Roil, Twigg and Watkins Messrs H Hiha, P Paku, G Paku and N Tomoana
Chief Executive	Ross McLeod
Officer Responsible	Water Services Manager, Brett Chapman
Committee Secretary	Carolyn Hunt (Ext 5634)

Hastings District Council : Tangata Whenua Wastewater Joint Committee

This is established between Hastings District Council and representation of Tangata Whenua.

Fields of Activity

To be actively involved in developing the Hastings District Council's wastewater treatment and disposal system policies and, in particular, following a review of wastewater treatment in the light of new technologies and standards that may be introduced in the interim, to make recommendations to the Council so as to remove kuparu (human waste) from the waste stream in accordance with the Resource Management Act 1991 and Policies and Plans under the Act, and in particular, to recognise the role of Tangata Whenua as kaitiaki, and, to satisfy their cultural concerns.

To receive, review and recommend action on wastewater reports.

To recommend the commissioning of reports and future Hastings District Council actions on wastewater issues including:

- Options for further treatments
- Options for methods of disposal
- Monitoring effects on the environment

To coordinate and oversee education of the community on wastewater issues.

Membership

Chairman appointed annually by the Joint Committee from its members annually to alternate between the Council and Tangata Whenua representatives.

5 Councillors appointed by the Council

3 Tangata Whenua representatives nominated by the Heretaunga Maori Executive

2 Tangata Whenua representatives nominated by the Ahuriri Maori Executive

Quorum – 6 members including not less than 3 Councillor representatives

Delegated Powers

Recommendation to Council on matters within the Committee Fields of Activity.

The chairperson shall not have a casting vote.

HASTINGS DISTRICT COUNCIL
HDC–TANGATA WENUA WASTEWATER JOINT
COMMITTEE MEETING

FRIDAY, 9 MARCH 2012

VENUE: Council Chamber
Ground Floor
Civic Administration Building
Lyndon Road East
Hastings

TIME: 1.00pm

A G E N D A

1. Apologies

At the close of the agenda no apologies had been received.

2. Conflict of Interest

Members need to be vigilant to stand aside from decision-making when a conflict arises between their role as a Member of the Council and any private or other external interest they might have. This note is provided as a reminder to Members to scan the agenda and assess their own private interests and identify where they may have a pecuniary or other conflict of interest, or where there may be perceptions of conflict of interest.

If a Member feels they do have a conflict of interest, they should publicly declare that at the start of the relevant item of business and withdraw from participating in the meeting. If a Member thinks they may have a conflict of interest, they can seek advice from the Chief Executive or Group Manager Corporate & Customer Services (preferably before the meeting).

It is noted that while Members can seek advice and discuss these matters, the final decision as to whether a conflict exists rests with the member.

3. Consideration of:

- a) **Additional Business Items** 5
- b) **Extraordinary Business Items** 6

4. Confirmation of Minutes

a)	Minutes of HDC Tangata Whenua Wastewater Committee for Confirmation <i>(Previously circulated)</i>	7
5.	Update on East Clive WWTP and Resource Consents	9
6.	Review of the Committee's Terms of Reference	17
7.	Appointment of Councillor Chairman to the HDC-Tangata Whenua Wastewater Joint Committee	21
8.	Additional Business Items	
9.	Extraordinary Business Items	

HASTINGS DISTRICT COUNCIL

HDC–TANGATA WHENUA WASTEWATER JOINT COMMITTEE MEETING

ADDITIONAL BUSINESS ITEMS

FRIDAY, 9 MARCH 2012

RECOMMENDATION

That the following items of additional business be included on the agenda for reasons of urgency:

8A.

8B.

8C.

NB: Additional items are those which have been notified two clear working days prior to the meeting. Resolutions can be made in respect of these items.

HASTINGS DISTRICT COUNCIL

**HDC–TANGATA WHENUA WASTEWATER JOINT COMMITTEE
MEETING**

EXTRAORDINARY BUSINESS ITEMS

FRIDAY, 9 MARCH 2012

RECOMMENDATION

That the following items of extraordinary business be included on the agenda for reasons of urgency:

9A.

9B.

9C.

REPORT TO: HDC-TANGATA WHENUA WASTEWATER JOINT
COMMITTEE

MEETING DATE: FRIDAY 9 MARCH 2012

FROM: COMMITTEE SECRETARY
CAROLYN HUNT

SUBJECT: MINUTES OF HDC TANGATA WHENUA WASTEWATER
COMMITTEE FOR CONFIRMATION

RECOMMENDATION

That the minutes of the HDC Tangata Whenua Wastewater Committee held 2 December 2011 be confirmed as a true and correct record and be adopted.

Attachments:

There are no attachments for this report.

Item 4a

REPORT TO: HDC–TANGATA W HENUA WASTEWATER JOINT COMMITTEE

MEETING DATE: FRIDAY 9 MARCH 2012

FROM: WATER SERVICES MANAGER
BRETT CHAPMAN

SUBJECT: UPDATE ON EAST CLIVE WWTP AND RESOURCE CONSENTS

1.0 SUMMARY

- 1.1 The purpose of this report is to update the Committee on wastewater consent matters and progress with re-consenting the wastewater discharge into Hawke Bay.
- 1.2 This issue arises as a result of ongoing operational matters that impact on Council's consent compliance and the need to prepare a comprehensive application for a new discharge consent in 2014.
- 1.3 The Council is required to give effect to the purpose of local government as prescribed by Section 10 of the Local Government Act 2002. That purpose includes the promotion of the social, economic, environmental and cultural wellbeing of communities. The Council seeks to meet this obligation and the achievement of community outcomes through the strategic objectives set out in the 2009-2019 Long Term Council Community Plan. The matters raised in this report relate to those elements of the strategic objectives identified in the following table.

Strategic Objectives	Achieved By
<i>Resources we need</i> <ul style="list-style-type: none"> <i>Mitigation of adverse impacts on people, land and water</i> 	
<i>Social and Cultural Wellbeing</i> <ul style="list-style-type: none"> <i>Sustainable relationships with Maori</i> 	

- 1.4 This report concludes by recommending that the report be received.

2.0 BACKGROUND

- 2.1 The existing Coastal Discharge Permit expires on 31 March 2014. A detailed plan has been developed to ensure that Council has a comprehensive application ready for submission to the Regional Council by September 2013.
- 2.2 This work includes a comprehensive consultation process to ensure that Council fulfills its obligations to consult on further treatment options with Tangata Whenua and the wider community.

- 2.3 In November 2011 we received a proposal by HB Regional Council to review the existing discharge consent conditions. After raising initial concerns as to the validity of this review and following further discussion with HBRC consent officers, they have prepared a draft set of changes for our review.
- 2.4 Ongoing odour problems at the East Clive wastewater plant required the installation of permanent covers to the BTF tanks and the implementation of chemical treatment at Flaxmere and Havelock North to minimise the potential for odours to occur. Further discussion has taken place on how to progress the odour consent application to address submitters concerns.
- 2.5 Concerns have been raised regarding the visual impacts of the wastewater discharge from the marine outfall and the need to further investigate this issue to demonstrate compliance with existing resource consent conditions.
- 2.6 The HB Regional Council has updated HDC's annual 2011 compliance report after a request by Council to re-consider several of their original non-compliance statements.

3.0 NEW CONSENT APPLICATION

3.1 Work Programme

- 3.2 The project team has developed a detailed programme of work tasks and timeframes to ensure that a comprehensive resource consent application is prepared in time for submission in September 2013.
- 3.3 Appendix 1 – WWTP Consent Programme (Feb 2012) details the various packages of work and tentative completion dates.
- 3.4 Appendix 2 – Consent Progress Update (Feb 2012) lists the current tasks and work streams and provides current commentary on progress as a result of the recent Project Control Group (PCG) meeting held on 16 February 2012.

3.5 Consultation

- 3.6 An important part of the process is around consultation. In January we commenced community consultation with advertisements seeking registrations of interest from individuals and groups who wanted to be involved in the process. To date 2 requests have been received from Mr Wayne Church and the HB District Health Board.
- 3.7 Other work tasks that are being prepared at present include:
 - 3.7.1 Discussion and finalisation of graphic illustration of the Scheme to encapsulate Maori elements
 - 3.7.2 Ongoing preparation of Information Sheets for public and stakeholder consultation package
 - 3.7.3 Preparation of 'flyer' to accompany rates demand (May 2012)
 - 3.7.4 Preparation of display boards for Open Day(s) at the Plant. Suggested Open Day is Saturday 7 July.
- 3.8 The Community Liaison Group (CLG) will continue to be a part of our consultation process. This group is to be reformatted as a smaller stakeholder

group comprising representatives from industry, public health, Regional Council, mana whenua and the general public. We will also hold additional meetings and invite participation from those individuals that currently attend CLG meetings so that they can be kept informed of progress on the consent application and other matters that may arise.

3.9 Risk Management

3.10 On 13 January the project team held a risk assessment workshop to identify and rank a range of risks to the consenting process. 48 separate risks were documented and ranked on their likelihood of happening, the potential consequences and the measures required to mitigate that risk.

3.11 From this exercise we determined several key outcomes including:

3.11.1 proving the '*bio-transformation*' treatment to ensure a full understanding of this process and acceptance by tangata whenua and the wider community

3.11.2 to fully investigate and consult on the costs and benefits of the various additional treatment processes currently available and that comprehensive alternatives are investigated

3.11.3 To fully assess future trade waste flows and loads and consideration of potential new dischargers to the network.

4.0 CONSENT REVIEW

4.1 In November 2011, we received notification that HBRC were intending to undertake a review of conditions of the current discharge permit. The basis of this review was to update some of the reporting criteria and to better align our conditions with those recently granted to Napier City Council's wastewater consent.

4.2 After seeking advice on the appropriateness of this review, we advised the HBRC consenting officer that in our opinion the review did not meet the criteria for initiating a review, as stipulated in our consent. There were also a number of technical reasons that were not in accordance with the Resource Management Act and subsequently we were not obligated to accept any review.

4.3 On 3 February we met with HBRC officers to better understand the reasons for their proposing a review and to consider what might be an acceptable outcome. As a result of our collaborative discussion we were able to agree on several changes and defer others until the new consent is applied for.

4.4 We have agreed to work together on improving the wording of a number of conditions to make their intentions clear and avoid the confusion around interpretation. This will prove beneficial for both parties when we are considering the new consent in 2014.

5.0 ODOUR CONSENT

5.1 We are now well into the summer period but conditions are not typical for this time of year when we would expect the risk of odour generation to be at its peak. We have only received one complaint of odour which was unable to be verified by HBRC compliance officers. Monitoring of in-pipe wastewater

conditions shows that our network treatment is continuing to suppress odour generation within the trunk sewers and at the treatment plant.

- 5.2 The Regional Council have extended the odour assessment period to 31 March 2012. Subject to no further issues arising, they will then release a draft set of conditions to submitters and request that they waive their right to be heard so that a consent can be granted without the need for a hearing.

6.0 OPERATIONS AND COMPLIANCE

- 6.1 As a result of concerns raised at the last CLG meeting over inadequate monitoring of the mixing zone, in particular when the daily flushing cycle is in operation, HBRC and HDC staff carried out detailed inspections to confirm that the conditions of consent (Condition 7) relating to visual impacts were being met.
- 6.2 Photographs taken on 18 January 2012 during the flushing cycle are attached as Appendix 3. The Regional Council have confirmed that there are no issues arising from the discharge and that it is compliant with Condition 7 of the consent.
- 6.3 The Regional Council's 2011 compliance report has been updated in response to feedback from the Wastewater Treatment Manager regarding non-compliance statements in the original assessment dated 19 October 2011. In response to our queries and further investigations the Consents Officer has amended his report with 2 of the non-compliances now being re-assessed as compliant. These relate to bypassing during odour events and the outfall discharge.
- 6.4 We were assessed as non-compliant for Condition 10 regarding toxicity as a result of failures in the first quarter due to smothering. The other 3 quarters of the year's samples were compliant.
- 6.5 Condition 20 was non-compliant due to the laboratory testing for e-coli rather than faecal coliforms. Their procedures have been reviewed in light of this error.
- 6.6 Condition 33 relates to commencing community consultation by 31 March 2011. We have accepted that this date has not been met but agree that consultation through the new consent application will include consultation on the current treatment process and therefore encapsulate the original intent of this requirement.

7.0 RECOMMENDATIONS AND REASONS

That the report of the Water Services Manager titled Update on East Clive WWTP and Resource Consents dated 9/03/2012 be received.

Attachments:

- 1 Appendix 1 - WWTP Consent Programme (Feb 2012)
- 2 Appendix 2 - Consent Progress Update (Feb 2012)
- 3 Appendix 3 - Outfall Photos 12 January 2012

Wastewater Consent Programme Progress Update: 16/02/12

Task	Activity	Progress	Key Dates	Key Involvement
1	Programme Management <ul style="list-style-type: none"> Risk Register Programme Update 	Initial register prepared, review at PCG 16 Feb		Lead: Dave J Support: PCG
	Consultation			
7&8	Consultation information pack development	<ul style="list-style-type: none"> Draft Illustration prepared Draft info sheets prepared, other info? for discussion at the PCG meeting (16 Feb) and then at the TWWJC meeting (9 March) 	15 Feb 2012	Lead: Grant Support: Jim/Bob/Dave J
6&7	Consultation programme and activities development	<ul style="list-style-type: none"> Had initial briefing with HDC Comms, Rates demand flyers planning underway Other activities being planned. Aim to have a draft for discussion at the PCG meeting (16 Feb) and then at the TWWJC meeting (9 March) 	19 May 9 March	Lead: Grant Support: Jim/Bob/Dave J
	Community Liaison Group Review	Underway aim to have CLG make up revised by TWWJC Meeting 9 March. Requirement is for an annual meeting, last one in Sept 2011	9 March	Lead: Brett
	Key Stakeholder Consultation: <ul style="list-style-type: none"> MOH 	initial meeting set confirm date Bob	Confirm date	Lead: Dave J
	Assessments			
10	Coastal Recreation Survey	Underway first round nearing completion, 2 nd round winter June/July, 3 rd round Dec/Jan 2013. Interim report end March 2012	Interim Report 2012	Lead: Grant
9	Legislative/planning assessment	Preliminary assessment prepared and to be reviewed by Paula Hunter over the next month.	Prelim assessment end March 2012	Lead: Grant Support: Paula
11	Future capacity, flows and loads assessment	Draft flows and population forecasts assessment prepared.	Draft 15 Feb 2012	Lead: Bob Support: Jim/Pete
12	Technical Alternatives assessment	Assessment underway	Draft end Nov 2012	Lead: Jim Support: Bob/Pete
	Scientific Assessments Oceanographics (T13), Mixing Zones (T14), Flushing Cycles (T15), Ocean Water Quality (T17), Benthic Survey (T18)	Assessments underway target completion date end July 2012.	Prelim Report end July 2012	Lead: Bob Support: Jim/Pete
16	Public health risk assessment	Scoping underway and initial meeting with MOH set for	Draft end Aug 2012	Lead: Bob Support: Pete/Brant
20	Cultural impact assessment	Scoping yet to commence, discuss at PCG meeting 16 Feb	Draft end Nov 2012	Lead: Grant

Attachment 3



Item 5



REPORT TO: HDC–TANGATA WENUA WASTEWATER JOINT COMMITTEE

MEETING DATE: FRIDAY 9 MARCH 2012

FROM: WATER SERVICES MANAGER
BRETT CHAPMAN

SUBJECT: REVIEW OF THE COMMITTEE'S TERMS OF REFERENCE

1.0 SUMMARY

- 1.1 The purpose of this report is for the Committee to review its terms of reference to ensure they meet the needs of the current situation and in particular the appropriate process for the transparent appointment of its members.
- 1.2 This issue arises from the recent vacancy that occurred with the verbal resignation of Ngahiwi Tomoana at the HDC:Tangata Whenua Wastewater Joint Committee meeting on 2 December 2011.
- 1.3 The Council is required to give effect to the purpose of local government as prescribed by Section 10 of the Local Government Act 2002. That purpose includes the promotion of the social, economic, environmental and cultural wellbeing of communities. The Council seeks to meet this obligation and the achievement of community outcomes through the strategic objectives set out in the 2009-2019 Long Term Council Community Plan. The matters raised in this report are administrative in nature.
- 1.4 This report concludes by recommending that the committee review its terms of reference to ensure they meet the needs of the current situation and in particular the appropriate process for the transparent appointment of its members.

2.0 BACKGROUND

- 2.1 This Committee was established as a result of a judicial direction by the Environment Court, further to proceedings by the New Zealand Maori Council: Heretaunga Maori Executive and Ahuriri Maori Executive.
- 2.2 The current Terms of Reference provide for the role of the Committee to provide advice for a culturally appropriate wastewater management system for the District.
- 2.3 The outcome of this is the installation of the biological trickling filter system at the East Clive Wastewater Treatment Plant.
- 2.4 At the commencement of the current Council triennium all terms of reference for all committees were reviewed. The terms of reference for the HDC:Tangata Whenua Wastewater Joint Committee were unchanged from the original set down at the inception of the Committee and were adopted anew by the Hastings District Council on 28 October 2010 as part of the Council Delegations Register.
- 2.5 An extract from the Delegations Register follows:

“Hastings District Council : Tangata Whenua Wastewater Joint Committee

This is established between Hastings District Council and representation of Tangata Whenua.

Fields of Activity

To be actively involved in developing the Hastings District Council's wastewater treatment and disposal system policies and, in particular, following a review of wastewater treatment in the light of new technologies and standards that may be introduced in the interim, to make recommendations to the Council so as to remove kuparu (human waste) from the waste stream in accordance with the Resource Management Act 1991 and Policies and Plans under the Act, and in particular, to recognise the role of Tangata Whenua as kaitiaki, and, to satisfy their cultural concerns.

To receive, review and recommend action on wastewater reports.

To recommend the commissioning of reports and future Hastings District Council actions on wastewater issues including:

- Options for further treatments
- Options for methods of disposal
- Monitoring effects on the environment

To coordinate and oversee education of the community on wastewater issues.

Membership

Chairman appointed annually by the Joint Committee from its members annually to alternate between the Council and Tangata Whenua representatives.

5 Councillors appointed by the Council

3 Tangata Whenua representatives nominated by the Heretaunga Maori Executive

2 Tangata Whenua representatives nominated by the Ahuriri Maori Executive

Quorum – 6 members including not less than 3 Councillor representatives

Delegated Powers

Recommendation to Council on matters within the Committee Fields of Activity.

The chairperson shall not have a casting vote.”

The current tangata whenua members are recorded as: Messrs Heitia Hiha, Ngahiwi Tomoana, Peter Paku, Gordon Paku and Tipu Tareha

3.0 CURRENT SITUATION

- 3.1 While there is no transparent process on how members who resign are to be replaced, the Terms of Reference clearly require nominations to be made by the appropriate NZ Maori Council Executives.
- 3.2 The verbal resignation of Ngahiwi Tomoana gives rise to an issue to be addressed about a transparent appointment process.
- 3.3 It is appropriate for the Committee to review the Terms of Reference as well as provide advice on the nature of the appointment process in particular.
- 3.4 It is notable that the task of the Committee has matured to a point of fulfilment where its responsibilities may continue, but be reduced from 2016.

4.0 OPTIONS

- 4.1 **Option 1** – That the Terms of Reference be reviewed to ensure they meet the needs of the current situation and in particular an appropriate process for the transparent appointment of the Committee’s members.
- 4.2 **Option 2** – Do not review the Terms of Reference to ensure they meet the needs of the current situation and in particular an appropriate process for the transparent appointment of the Committee’s members

5.0 SIGNIFICANCE AND CONSULTATION

- 5.1 The establishment of the Committee is the result of a judicial direction by the Environment Court.

6.0 ASSESSMENT OF OPTIONS

- 6.1 In any review of the Terms of Reference to provide for a transparent appointment process, the intention of the judicial direction by the Environment Court will be retained.

7.0 PREFERRED OPTION/S AND REASONS

- 7.1 Option 1 is the preferred option, that the terms of reference be reviewed to ensure they meet the needs of the current situation and in particular an appropriate process for the transparent appointment of its members.
- 7.2 Option 1 is the preferred option because the Terms of Reference do not expressly provide for an appropriate process for the transparent appointment of the Committee’s members.

8.0 RECOMMENDATIONS AND REASONS

- A) That the report of the Water Services Manager titled Review of the Committee's Terms of Reference dated 9/03/2012 be received.**
- B) That the Terms of Reference be reviewed to ensure they meet the needs of the current situation and in particular an appropriate process for the transparent appointment of the Committee’s members.**

Attachments:

There are no attachments for this report.

REPORT TO: HDC-TANGATA WHENUA WASTEWATER JOINT
COMMITTEE

MEETING DATE: FRIDAY 9 MARCH 2012

FROM: WATER SERVICES MANAGER
BRETT CHAPMAN

SUBJECT: APPOINTMENT OF COUNCILLOR CHAIRMAN TO THE
HDC-TANGATA WHENUA WASTEWATER JOINT
COMMITTEE

1.0 SUMMARY

- 1.1 The purpose of this report is for the HDC-Tangata Whenua Wastewater Joint Committee (Joint Committee) to appoint a Councillor Joint Committee member as Chairman of the Joint Committee in accordance with the Joint Committee's Terms of Reference.
- 1.2 This issue arises from the Joint Committee's Terms of Reference requiring that the Chairman position be appointed annually by the Joint Committee to alternate between the Council and tangata whenua representatives.
- 1.3 The Council is required to give effect to the purpose of local government as prescribed by Section 10 of the Local Government Act 2002. That purpose includes the promotion of the social, economic, environmental and cultural wellbeing of communities. The Council seeks to meet this obligation and the achievement of community outcomes through the strategic objectives set out in the 2009-2019 Long Term Council Community Plan. The matters raised in this report are administrative in nature.
- 1.4 This report concludes by recommending that the Joint Committee appoints a Councillor member of the Joint Committee as Chairman to take effect from the next meeting of the Joint Committee.

2.0 BACKGROUND

- 2.1 This Joint Committee was established as a result of a judicial direction by the Environment Court, further to proceedings by the New Zealand Maori Council: Heretaunga Maori Executive and Ahuriri Maori Executive.
- 2.2 The current Joint Committee's Terms of Reference provide for the role of Chairman to alternate between Council and tangata whenua members.
- 2.3 The Terms of Reference state: "Chairman appointed annually by the Joint Committee from its members annually to alternate between the Council and Tangata Whenua representatives."

3.0 CURRENT SITUATION

- 3.1 The current Chairman of the Joint Committee is a tangata whenua representative and has been Chairman since the commencement of the current Council triennium – October 2010.

3.2 It is therefore appropriate for the Joint Committee to make a Councillor appointment to the role of Chairman of the Joint Committee.

4.0 OPTIONS

4.1 **Option 1** – That the Joint Committee appoints a Council representative as Chairman of the Joint Committee effective from the next Joint Committee meeting for a period of one year in accordance with the Joint Committee's Terms of Reference.

4.2 **Option 2** – That the Joint Committee does not appoint a Council representative as Chairman of the Joint Committee effective from the next Joint Committee meeting for a period of one year in accordance with the Joint Committee's Terms of Reference.

5.0 SIGNIFICANCE AND CONSULTATION

5.1 This matter is administrative in nature.

6.0 ASSESSMENT OF OPTIONS

6.1 Option 1 aligns with the current Terms of Reference. Option 2 is not in accordance with the Terms of Reference and would require amendments to the Terms of Reference.

7.0 PREFERRED OPTION/S AND REASONS

7.1 Option 1 is the preferred option in accordance with the current Terms of Reference.

8.0 RECOMMENDATIONS AND REASONS

- A) **That the report of the Water Services Manager titled Appointment of Councillor Chairman to the HDC-Tangata Whenua Wastewater Joint Committee dated 9/03/2012 be received.**
- B) **That Councillor be appointed as Chairman of the HDC-Tangata Whenua Wastewater Joint Committee, effective from the July 2012 meeting.**
- C) **That the Chairman role be reviewed annually in accordance with the HDC-Tangata Whenua Wastewater Joint Committee's Terms of Reference.**

Attachments:

There are no attachments for this report.